



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,096	06/22/2006	Rodolfo Verzegnassi	FR03 0158 US1	1407
65913	7550	11/10/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER HSIEH, PING Y	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 11/10/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/584,096

Applicant(s)

VERZEGNASSI ET AL.

Examiner

PING Y. HSIEH

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 14.
Claim(s) rejected: 1-13.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues on page 10, regarding claim 1, that Fitton fails to disclose a means for unscrambling data or a subtracter means being placed before the unscrambling means. However, the examiner wants to point out that the despreaders 424, 426, 428 of Fitton are the means for unscrambling data because the scrambling is used on top of the channelisation spreading as disclosed in paragraph 11 and the despreaders 424, 426, 428 are coupled to the rake finger input, and each receiving an output from one of the code generators 418, 420, 422 to despread the appropriate signal (both channelisation and scrambling codes) as disclosed in paragraph 78. The examiner also wants to point out that the subtracter means (i.e. interference cancellation units 512) is placed before the rake fingers as shown in fig. 5, which includes the despreaders 424, 426, 428 and code generators 418, 420, 422 as shown in fig. 4. Applicant further argues on pages 10 and 11, regarding claim 11, that Fitton fails to teach an unscrambler to receive and unscramble the corrected output to provide an unscrambled output for similar reasons as discussed herein. The examiner respectfully disagrees with the reason discussed above. Regarding claim 11, applicant further argues that there is no teaching or suggestion of "each of a plurality of paths in the rake finger, an interference estimator to determine the interference in the path... a subtracter to subtract the added interferences from the received data signal to provide a corrected output corresponding to the received data signal with the interferences subtracted therefrom". The examiner respectfully disagrees. Fitton clearly discloses the interference estimator will require inputs from code tracker 506, for each rake finger of interference estimator as disclosed fig. 5 and further disclosed in paragraph 83-87. Fitton further discloses the receiver of fig. 9 uses modified rake fingers 906 to obtain an interference estimate 908 for the corresponding multipath components of the received signal; and these interference estimates are provide to an interference cancellation unit 910 for suppressing the interference as disclosed in fig. 9 and further disclosed in paragraph 125. Regarding claim 4, applicant argues that Fitton fails to teach unscrambling the user data received via the rake finger for similar reasons as discussed herein. The examiner respectfully disagrees with the reason discussed above. The applicant further argues regarding claim 4 that the Office Action fails to address the limitation of "subtracting the evaluation of interference from the received user data in the rake finger". The examiner respectfully disagrees. Although claims 1 and 4 are not identical, they recite substantially similar subject matter which can be found in the cited art of record. For example, Fitton discloses subtracting the evaluation of interference from the received user data in the rake finger in fig. 5 and further disclosed in paragraph 86. Therefore, based on the logical response to the arguments provide above, the examiner respectfully renders claims 1-13 unpatentable over the cited art. Applicant presents additional arguments which do not render the claims allowable after the prosecution on the merit is closed.

/Ping Hsieh/
Examiner, Art Unit 2618

/Nay Maung/
SPE, Art Unit 2618